

# UTAH WATERFOWL ASSOCIATION



December 19, 2008

Members of the Resource Development  
Coordinating Committee  
5110 State Office Building  
Salt Lake City, Utah 84114

Dave Grierson  
Sovereign Lands Coordinator  
Division of Forestry, Fire & State Lands  
1594 West North Temple, Suite 3520  
Salt Lake City, Utah 84116-3154

*Re: Mineral Lease Expansion in Dolphin Bay*

Dear Committee Members and Mr. Grierson,

The Utah Waterfowl Association ("UWA") is a non-profit organization that was created for the preservation of waterfowl habitat in Utah and the waterfowling heritage these fragile ecosystems have long sustained. We have reviewed Great Salt Lake Minerals proposal to transfer/expand its leases in the Great Salt Lake and are adamantly opposed. The proposed transfer betrays the public trust, disserves the public at large and would be a huge net loss to wildlife. The sole purpose of the transfer appears to be to justify the need for further expansion at the long and short term cost to the lake and the wildlife that it supports. This expansion will have a tremendous negative impact to Utah waterfowl hunters. In addition to the comments submitted below, the UWA supports and incorporates herein the more extensive and detailed comments of the Audubon Society and Friends of the Great Salt Lake.

The proposed transfer/lease expansion has apparently been given only cursory scrutiny by the agency tasked with managing Great Salt Lake sovereign lands and acting consistent with the public trust doctrine and statutory constraints. The continued segmentation and piecemeal destruction of the lake is inconsistent with both. Dramatic expansion of diking in the North Arm of the lake would only require increased impoundments in Bear River Bay, all at a huge loss in avian habitat and public use. Moreover, this segmentation permanently reduces the viability of the lake ecosystem as a whole. The artificial shrinking of the lake only enhances its vulnerability and leaves its continued habitat more prone to fluctuation and less capable of providing needed habitat and recreational opportunity at different lake levels.

For well over a century, waterfowlers have hunted on the lake and fed their families with the lake's bounty. They have advocated for protection and preservation of an irreplaceable

# UTAH WATERFOWL ASSOCIATION



resource. The proposed action disserves this proud heritage and replaces a vibrant, thriving natural wonder with a grim and lifeless industrial wasteland.

Best Regards,

John D. Ray

Vice President, Utah Waterfowl Association

December 31, 2008

Members of the Resource Development  
Coordinating Committee  
5110 State Office Building  
Salt Lake City, Utah 84114

Michael R. Styler  
Executive Director  
Department of Natural Resources  
1594 West North Temple, Suite 3710  
Salt Lake City, Utah 84114-5610

Richard J. Buehler  
Director and State Forester  
Dave Grierson  
Sovereign Lands Coordinator  
Division of Forestry, Fire & State Lands  
1594 West North Temple, Suite 3520  
Salt Lake City, Utah 84116-3154

**Re: Comments on Mineral Lease Exchange Proposed by GSL Minerals**

Dear RDCC Members, Mr. Styler, Mr. Buehler and Mr. Grierson:

The Nature Conservancy appreciates the opportunity to comment on the proposed GSL Minerals non-competitive lease exchange involving 37,000 acres within the Great Salt Lake. The Conservancy understands how this exchange would benefit GSL Minerals' operation by providing access to additional heavier brines in the north arm, but we feel there are important, unanswered questions as to its impact on a number of other beneficial uses in the project area and for the larger lake system. The Conservancy recommends that a decision be postponed until such time as a Great Salt Lake Commission is established, as likely will be recommended by the existing Great Salt Lake Advisory Council and Governor Huntsman, to evaluate proposals of this scale within the context of the scientifically-determined ecological health of the entire lake system.

The Conservancy is concerned that significant questions regarding the project's impact have not been fully addressed. Briefly, some of these questions:

Potential impacts to wildlife habitat: usage of north arm during high water cycles (when salinity is reduced) by open water birds (grebes, some waterfowl species, phalaropes); current usage of shoreline habitat by snowy plovers; reduction of



habitat by removal and sequestration of water from the lake in low water years; effect on water quality; effect on water movement and circulation; the still-real likelihood of development of the critical 8,000-acre parcel in Bear river Bay, and the possibility that the 30,000 leased acres GSL Minerals proposes to relinquish in the south arm could still be filed on and developed by another company.

Potential impacts to other beneficial uses: access to north arm and production of brine shrimp in high water years in light of additional large scale removal and sequestration of water, and unknowns about the cumulative impacts on the lake system processes of the current level of all mineral extraction, as well as a scientific analysis of what is likely to be a "permanent" expansion totaling 70,000 acres of single-use, diked acres of lakebed and shoreline (GSL Minerals' previously approved 33,000-acre expansion + this 37,000-acre proposal).

Because the potential impacts outlined above need to be carefully weighed – and because the Great Salt Lake Advisory Council has already identified as a concern the current inability to evaluate development proposals on the basis of their cumulative impacts to the Lake's ecological health – postponing a decision on this lease exchange is advisable. In fact, this application appears to be a textbook example of why a Great Salt Lake Commission is needed. The best available science must be used to assess whether or not proposals of this scale are truly sustainable, do not infringe on other beneficial uses and fit within a scientifically-determined definition of a healthy lake ecosystem. However, the proper science and decision-making structure is not yet in place.

Because the Conservancy is a strong supporter of the Great Salt Lake Advisory Council and feels its process should be allowed to run its course – precisely so that applications of this nature can be properly weighed and evaluated – a decision on an application of this magnitude should be postponed until the Great Salt Lake Commission is up and running.

Again, the Conservancy appreciates the opportunity to comment on this issue.

Sincerely,



Dave Livermore  
Utah State Director



January 7<sup>th</sup>, 2009

Division of Forestry, Fire and State Lands  
Attn: Dave Grierson  
PO Box 145703  
Salt Lake City, UT 84114-5703

Dear Mr. Grierson,

I am writing to you today as a Utah resident very concerned about the future use of one of Utah's greatest resources The Great Salt Lake.

One important project – the Great Salt Lake Minerals Corporation's proposal to expand swap land with the State of Utah for future sulfate of potash cultivation – is one project that our local area needs approved. The project will provide the State with additional land on the eastern side of Promontory Point; an area with high public and critical wildlife demands.

The economic impact for both the local residents and the State are significant. During this time of serious economic turmoil it is important that we all support long standing businesses in Utah. GSLM has a proven record as a steadfast employer and good steward of State lands.

The potash derived from the fields is obtained from a natural and environmentally safe process and is one of the best sources of potassium and sulfur production on the planet. The products created by GSLM's work help feed millions of people around the world – including in Utah.

The approval of this project will not just benefit one corporation, but scores of other industrial and agricultural businesses across the region that depend on potash as an economical, safe and effective natural resource for all Utah residents.

I urge you to review this project as quickly as possible and help provide for a timely project approval. I feel strongly that this is a win-win proposal for the State, wildlife, recreational users, and consumers.

Ron Costel  
1551 Mountain Road  
Logan, UT 84321

January 7<sup>th</sup>, 2009

Division of Forestry, Fire and State Lands  
Attn: Dave Grierson  
PO Box 145703  
Salt Lake City, UT 84114-5703

Dear Mr. Grierson,

I'm writing today to urge your quick approval for an important local project: the proposed land swap between the State of Utah and the Great Salt Lake Minerals Corporation.

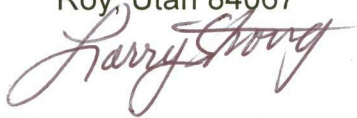
The need for more opportunities for new jobs is crucial to the economy of our state. This land swap which will help GSL in their effort to cultivate more sulfate of potash will help drive our economic growth.

There are people out there, who are trying to mislead the public about the impacts to the environment and to the lake, but potash cultivation does not hurt our environment in any way and it is a needed commodity for quality agricultural production. Also this land swap will not restrict the navigability or the long-term viability of the Great Salt Lake.

I ask that you review the proposed land swap and urge the Department of Forestry, Fire and State Lands to complete this review quickly to clear the way for the potential growth of good paying jobs and the stability of the work force already employed at GSL.

Sincerely,

Larry Strong  
2453 W. 4800 So  
Roy, Utah 84067







United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
2369 WEST ORTON CIRCLE, SUITE 50  
WEST VALLEY CITY, UTAH 84119

January 7, 2009

In Reply Refer To  
FWS/R6  
ES/UT  
65411-2007-FA-0186

Carolyn Wright, RDCC Coordinator  
Governor's Office of Planning and Budget  
5110 State Office Building  
Salt Lake City, Utah 84114

RE: Mineral Lease near Dolphin Island, Great Salt Lake (Number 10073)

Dear Ms. Wright,

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced notice describing the Great Salt Lake Minerals lease nomination near Dolphin Island. The lease nomination has four elements including a new mineral lease in Gunnison Bay of 37,083 acres, the relinquishment of undeveloped leased acreage around Promontory Point and Bear River Bay of 30,181 acres, the creation of an easement for an existing canal, and an amendment to realign the Behren's Trench easement. The intent of leasing this land is to expand solar evaporation operations for mineral extraction of brines from the water of the Great Salt Lake. The eventual project will involve the construction of dikes, feed channels and pump stations, similar in nature but larger in scope to the existing improvements on the adjacent lease.

This letter transmits Service comments in response to the Division of Forestry Fire and States Lands and the Resource Development Coordinating Committee (RDCC) request for comments and stipulations that may be appropriate for leasing the tract in Gunnison Bay. Our comments are made pursuant to our authorities under the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. The Service also provides technical and biological information for use in the NEPA review process (42 U.S.C. 4332). Through these efforts, the Service seeks to ensure that impacts to fish and wildlife resources are adequately described, avoided and minimized to the extent possible, and that mitigation needs are met. Our comments reflect the potential for environmental impacts resulting from issuance of a new lease and future project operations.



The Service has been a participating agency with the Army Corps of Engineers (Corps) in development and review of an Environmental Impact Statement (EIS) for a proposal to expand Great Salt Lake Minerals' operations by 23,088 acres in Clyman Bay and an additional 8,000 acres of evaporation ponds in Bear River Bay. The current lease nomination does not mention the proposed expansion; however, one of the potential alternatives in the EIS may be the addition of new leases in Gunnison Bay in exchange for leases in Bear River Bay. This possible alternative has not been finalized in the EIS process or reviewed by the Service, but we believe that the current lease nomination near Dolphin Island is a step towards this possible alternative. And while the current lease nomination includes the relinquishment of leases near Promontory Point and in Bear River Bay, the original 8,000 acres slated for expansion in Bear River Bay are not included as part of the exchange. We provided comments to the Corps (letter dated December 17, 2007) describing the remarkable value of Bear River Bay for migratory birds and we believe this area is extremely important for wildlife. The proposed relinquished acres have important wildlife values but are 6,902 acres fewer than the new leases that would be acquired near Dolphin Island. The Service recommends the 8,000 acres in Bear River Bay also be relinquished, which would eliminate many of the wildlife concerns with the existing proposal in Bear River Bay and would ensure the long-term conservation of migratory birds in the area.

Consultants for Great Salt Lake Minerals are assessing wildlife data that are available via state and federal agencies and are also conducting bird use surveys from the shores of Clyman and Gunnison bays and by helicopter for Bear River Bay. Existing and new wildlife use data will be analyzed in a NEPA document that will likely cover the project area. While a substantial amount of biological information will be compiled to assess the effects of the original proposed project, wildlife data will also be needed for the new leases near Dolphin Island. Site specific data for avian usage of Gunnison Bay is fairly limited aside from information regarding the American white pelican and other birds that nest on the bay's islands (Dolphin, Cub, and Gunnison). The limited information that does exist indicates that the western shore of Gunnison Bay has the potential to provide foraging and nesting habitat for shorebirds including the snowy plover and the American avocet and that there are wetland habitats (e.g., springs and seeps) along the shoreline. The analysis of evaporation pond expansion in Gunnison Bay (in aggregate) should consider how migratory birds and their habitats would be affected. With the proposed lease, a large proportion of the western shoreline would be converted to evaporation ponds. While there may be fewer wetlands on the western shore of the lake, the combined leases (existing and all new leases) may result in a substantial loss of the total wetlands on the western shore. The Service recommends that the Division of Forestry, Fire, and State Lands fully evaluate existing resources of concern (including migratory birds and their habitats) within the proposed lease area and analyze the potential effects to these resources from the proposed action.

The proposed mineral lease near Dolphin Island is more than five miles from Gunnison Island, one of the premier breeding colonies for American white pelican in North America. However, any environmental analysis should consider the entire project area and consider impacts to the breeding colony of pelicans on Gunnison Island and to other shorebirds along the shoreline and at springs and wetlands within Clyman, Gunnison and Bear River bays.

The combined, incremental effects of human activity, referred to as cumulative impacts, have the potential to pose a serious threat to the Great Salt Lake environment. While impacts may be

insignificant individually, impacts accumulate over time and space, from one or more sources, and can result in the degradation of important resources. Because of this, we recommend a cumulative impacts analysis be done prior to any lease being granted. The cumulative impacts discussion should, at a minimum, include evaluations within the region of influence of the proposal for: potential for additional fish and wildlife impacts due to energy development including oil and gas in the Great Salt Lake; impacts from increased habitat fragmentation; displacement of wildlife; and cumulative effects of lake level changes on project-affected resources.

We appreciate the opportunity to provide these comments. If you need further assistance, please contact Nathan Darnall, Ecologist and Migratory Bird Coordinator, at the letterhead address or (801) 975-3330 ext.137.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Crist", with a long horizontal flourish extending to the right.

Larry Crist  
Utah Field Supervisor

cc: ✓ Dave Grierson  
Sovereign Lands Coordinator  
Division of Forestry, Fire & State Lands  
1594 West North Temple, Suite 3520  
Salt Lake City, Utah 84116-3154

Jason Gipson  
Chief, Utah Regulatory Office  
Army Corps of Engineers  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010



January 8, 2009

Dave Grierson  
Division of Forestry, Fire and State Lands  
PO Box 145703  
Salt Lake City, UT 84114

Dear Mr. Grierson,

I am pleased to learn that the Division of Forestry, Fire and State Lands is considering Great Salt Lake Minerals' proposed land swap with the State. I believe the proposal will have positive future impacts on the Great Salt Lake.

Being aware of the importance of Great Salt Lake Minerals work in producing salt, magnesium chloride, and the sulphate of potash, the company must be allowed to build their operations to meet the company's future needs.

Additionally, my son is an employee at the company, so it is important for his and our family that Great Salt Lake Minerals succeeds. We are grateful that our son has a stable job in such an unstable economy. The state should be supportive of companies that have the opportunity to expand during such times.

We are all aware that the Great Salt Lake needs to be protected and utilized at the same time. It's a valuable resource and allowing this land swap to happen will be a benefit to Utah. Thank you.

Sincerely,



Ronald Carter  
673 Canfield Drive  
Ogden, UT 84404



January 8<sup>th</sup>, 2009

Division of Forestry, Fire and State Lands  
Attn: Dave Grierson  
PO Box 145703  
Salt Lake City, UT 84114-5703

Dear Mr. Grierson,

I am writing to you today as a Utah resident very concerned about the future of our local and regional economy. We all know that families across the country are working very hard to make ends meet and it becomes more difficult every day to stretch a dollar.

One important project – the Great Salt Lake Minerals Corporation's proposal to expand and swap land with the State of Utah for future sulfate of potash cultivation – is one project that our local economy needs dearly.

The potash derived by GSL from the evaporation ponds is obtained in a natural and environmentally safe process and is one of the best sources of potassium and sulfur production on the planet. The products created by GSL help feed millions of people around the world – including in Utah.

The approval of this project will not just benefit one corporation, but scores of other industrial and agricultural businesses across the region.

I urge you to review this project as quickly as possible and help clear a path for a project approval that all Utah residents can be proud of.

Steve Peck  
1926 Ruger Place  
Farmington, UT 84025